

## 058 - PUBLIC DEFENDER

### Operational Summary

#### Mission:

The mission of the Offices of the Public Defender is to provide high quality legal representation to clients in a cost-effective manner.

#### Strategic Goals:

- The goal of the Offices of the Public Defender is to protect the constitutional rights, privileges and freedoms of individuals by providing the highest quality legal advocacy for all clients in the courts of Orange County in a cost-effective manner.
- This goal will be achieved through the efforts of the staff in each of the primary units of the Offices of the Public Defender. These efforts focus on a variety of activities:
- Representing indigent clients in felony and misdemeanor cases in the criminal courts. This representation is provided by each of the three independent units of the Offices of the Public Defender.
- Advocating and protecting the rights of individuals by ensuring that they are treated fairly and equitably in the Mental Health Courts of Orange County.
- Providing high quality representation for clients in each of the Collaborative Courts of Orange County.
- Advocating the parental rights of clients by providing high quality legal representation in dependency cases.

#### Key Outcome Indicators:

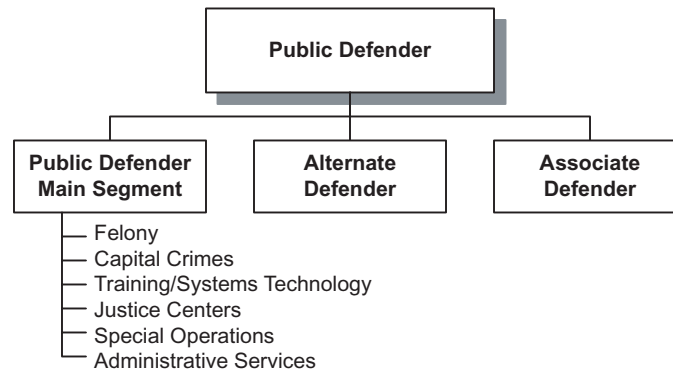
Performance Measure	2005 Business Plan	2006 Business Plan	
	Results	Target	How are we doing?
<b>INDEX RATING USED INTERNALLY AS A METHOD TO EVALUATE LEVEL OF SERVICES PROVIDED IN CASES.</b> <b>What:</b> An internal measurement tool to monitor and evaluate quality representation by the Public Defender. <b>Why:</b> The mission of the Public Defender is to provide high quality legal representation to clients.	Maintained high quality and efficient representation in the courts consistent with relevant State Bar, NLADA, and American Bar Association Guidelines and continued to work toward compliance with each of these.	To continue to maintain high quality and efficient representation in the courts consistent with relevant State Bar, NLADA, and American Bar Association Guidelines and continue to work toward compliance with each of these.	Developed guidelines and completed pilot program in 2002. Necessary adjustments were made during the process. Findings show above satisfactory performance levels.

#### FY 2005-06 Key Project Accomplishments:

- Among the significant accomplishments of the Offices of the Public Defender from July 1, 2004 through December 31, 2005, and anticipated accomplishments through June 30, 2007 are the following:
- The Orange County Public Defender's Office was named the "2005 Community Partner of the Year" by the Public Law Center.

- Senior Assistant Public Defender Jean Wilkinson received the first annual "Homeless Court Humanitarian of the Year" award in October 2005.
- In September 2005 Assistant Public Defender Lee Blumen received the "Community Partnership" award from the Regional Center of Orange County for his work in providing legal assistance to residents of Fairview Developmental Center.
- Deputy Alternate Defender Frank Ospino was named Public Defender of the Year by the California Attorneys for Criminal Justice organization.
- The department's continued participation in the Proposition 36 and Drug Courts has assisted in helping an increased number of participants become productive, law abiding members of society.
- The department participated in the collaborative planning and design of the Dependency Drug Court for parents of dependent children to provide treatment programs for parents and assist in the reunification of families.
- The Dependency Drug Court started in six different courts in the Lamoreaux Justice Center on April 1, 2005. The Public Defender has a dedicated attorney handling these clients and the first clients achieved graduation in December 2005.
- The department participated in the development of the DUI Court pilot program which began operation in October 2004 in the Newport Beach facility of the Harbor Judicial District.
- In November 2004 and again in November 2005 the department sponsored and tutored high school age teams of incarcerated youth in the Constitutional Rights Foundation Mock Trial competition, while others assisted in coaching high school Mock Trial teams.
- In September 2005, the County General Fund received \$870,492 from the State representing estimated claims on various SB90 mandates prepared by the Public Defender for FY 2004-05.
- Public Defender staff volunteered weekend time interviewing Veterans on videotape to preserve their service histories for the Library of Congress.
- Over twenty Public Defender employees volunteered on a Saturday in July 2005 to provide legal services for homeless Veterans at the annual Veterans' Fair.
- The department participated on the South Court Design Team to create the new South Court at the direction of the Board of Supervisors.
- Four managers participated in the Orange County Leadership Academy.
- The department participated in the development of the Orange County Outreach Court, designated to assist the homeless population in Orange County, and its expansion to include regular sessions at both Orange County Rescue Mission and Mental Health Association.
- The Information Technology (IT) section hosted a vendor fair. This vendor fair brought together 25 vendors who exhibited new products and technology to people from various County agencies and Public Defender staff.
- Numerous Public Defender staff participated in the County Mentoring Program by volunteering time to work with the children at Pio Pico Elementary School.
- Several staff attorneys volunteered evening hours to provide assistance for the homeless at the Fullerton and Santa Ana Armories during the winter months.
- The Public Defender participated in the collaborative process of interviewing, certifying and training hearing officers for the new Riese facility hearings.
- A Public Defender Web Portal has been created and is currently being implemented by user groups.
- Fax server application for Mental Health for processing and communicating at Riese Hearings was developed.

## Organizational Summary



**Public Defender Main Segment** - The Offices of the Public Defender consist of three distinct and separate law offices. These are the Public Defender Office, the Alternate Defender Office, and the Associate Defender Office.

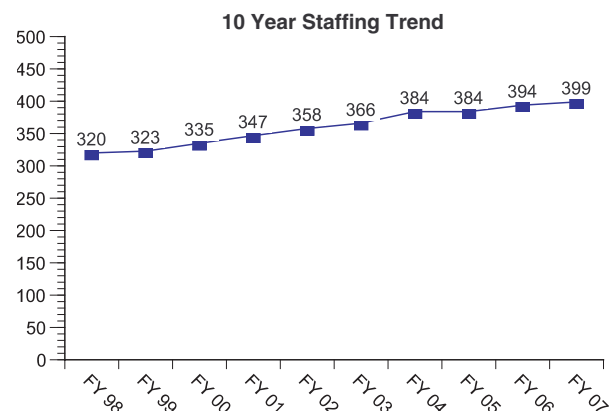
**The Public Defender Office** - The main unit is referred to as the Public Defender Office and is made up of several distinct sections. In the Santa Ana main office at 14 Civic Center Plaza are the felony panel, the writs and appeals section, the W&I Code Section 6600 section, the capital case section, the training section, the computer systems section and senior managers. In a separate Santa Ana location is the Mental Health section, and in the City of Orange there is a juvenile court branch consisting of the child dependency section and the delinquency section. There are also five branch offices located in Fullerton (North Justice Center), Santa Ana (Central Justice Center), Westminster (West Justice Center), Newport Beach (Newport Beach Facility of the Harbor Justice Center), and Laguna Niguel (Laguna Niguel Facility of the Harbor Justice Center). Attorneys and support staff work at each of these locations. These include misdemeanor and felony criminal cases, Juvenile Court cases, and Mental Health cases.

**Alternate Defender** - The Alternate Defender Office is located in Santa Ana. Attorneys and support staff handle the first level of conflict cases (except for conflict cases arising in Juvenile Court, frauds, SVP, and Mental Health). The Alternate Defenders represent clients who, because of a conflict of interest, cannot be represented by the main unit, often because more than one defendant is charged.

**Associate Defender** - The Associate Defender Office is located in Santa Ana and is staffed by attorneys with a small support staff. This unit handles complex cases (including capital cases). These are cases that, because of a conflict of interest, would previously have been handled by court-appointed private lawyers at greater cost.

**Public Defender Executive Mgt** - Department Head and immediate support staff.

### Ten Year Staffing Trend:



### Ten Year Staffing Trend Highlights:

■ Staffing trends for the Public Defender often reflect demographic, economic, and sociopolitical changes. As a result of the bankruptcy in January of 1995 the Board of Supervisors directed that the Office of the Public Defender be divided into three independent units. The newly created units undertook representation of conflict clients previously represented by court-appointed private lawyers, and the intended effect of this change was to produce annual savings to County taxpayers. The net

effect of segmentation in the first year was a savings of \$6M and savings have since been approximately \$6-7 million annually.

- Other changes in staffing have occurred in response to court consolidation, the three strikes law, the expansion of the drug courts throughout the County, implementation of Proposition 36, appropriate representation of clients in the arraignment courts, and the development of several specialized courts to deal with the root causes of crimes.
- The fiscal year 2006-07 presents a variety of opportunities and challenges for the department because the department faces serious budget constraints and operates in a justice system that regularly experiences restructure and reform. The department is however, committed and prepared to adjust to the dynamics that lie ahead.
- Future staffing needs could arise as a result of rising caseloads, changes in legislation, new and/or expanding program developments, trends in overall population increases in the County, economic hardship and/or unemployment, and other factors that affect caseloads.

The County continues to focus on issues such as succession planning, staff development and leadership training. The Public Defender participates on committees involved in county-wide impact topics and issues as a collaborative government partner.

Other collaborative partnerships exist within the justice system and the Public Defender actively works with our justice partners to maintain efficiencies and improve services throughout the justice system.

CEO Real Estate has one County Strategic Priority that affects the Public Defender, the build-out of Building 16 in the Santa Ana Civic Center. The building is currently vacant and under utilized. If the Board of Supervisors decides to renovate the building, the Public Defender would be interested in relocating staff currently in leased space in the Civic Center area in Santa Ana.

### Changes Included in the Base Budget:

The Public Defender would not be able to maintain our current level of service without an augmentation to the recommended Net County Cost Target and would not be able to represent all the clients to whom we are appointed. An augmentation request has been submitted to maintain the department's current level of service needs.

## Budget Summary

### Plan for Support of the County's Strategic Priorities:

The County continues to face significant budget constraints. The Public Defender continues to be cost effective and maintains tight control over resource expenditures. Fund balance savings will be realized due to vacant positions during the hiring freeze as well as contract consolidation savings.

### Approved Budget Augmentations and Related Performance Results:

Unit Amount	Description	Performance Plan	BRASS Ser.
<b>Restore Net County Cost to Maintain Current Level of Service Amount:\$ 1,323,815</b>	Restore services and supplies costs that were cut in order to meet the departments NCC limit.	Maintain current level of service.	4396
<b>Add 5 Positions for Felony Caseload Amount:\$ 600,549</b>	Add 5 positions to address increasing felony caseload	Continue to meet baseline rating of 96% in handling all cases	6073

## Final Budget History:

Sources and Uses	FY 2004-2005	FY 2005-2006	FY 2005-2006	FY 2006-2007	Change from FY 2005-2006	
	Actual Exp/Rev	Budget As of 6/30/06	Actual Exp/Rev <sup>(1)</sup> As of 6/30/06	Final Budget	Actual Amount	Percent
Total Positions	384	394	394	399	5	1.27
Total Revenues	3,496,160	3,504,840	3,546,530	3,504,840	(41,690)	-1.18
Total Requirements	47,236,134	51,511,847	48,049,765	54,865,588	6,815,823	14.18
Net County Cost	43,739,975	48,007,007	44,503,236	51,360,748	6,857,512	15.41

(1) Amounts include prior year expenditure and exclude current year encumbrance. Therefore, the totals listed above may not match Total FY 2005-06 Actual Expenditure + Encumbrance included in the "At a Glance" section.

Detailed budget by expense category and by activity is presented for agency: Public Defender in the Appendix on page A67

## Highlights of Key Trends:

- The Offices of the Public Defender provide high quality legal representation in a cost effective and fiscally responsible manner. People who come before the court in criminal, juvenile, dependency, and mental health matters are entitled by law to have counsel appointed to represent them when they lack the resources to hire an attorney. This right arises from the United States Constitution, the California Constitution, Penal Code Section 987, and other statutes. If the Public Defender is unavailable the courts are required to appoint private counsel at county expense.
- The Public Defender is under directive of the Board of Supervisors to continue to accept cases appointed by the courts and not to declare unavailability (or unavailability based on excessive caseloads) without first notifying the CEO and Board of Supervisors.
- Caseloads trends reflect significant growth over the past several years. The trend is continuing in 2005-06. Also, further expansion of the specialty courts are expected in the coming months.
- The Public Defender remains committed to the mission and goal set out in the department's Business Plan. The services provided continue to be based upon ethical, practical, and efficient values that are consistent with County policies and procedures under the direction of strategic initiatives and sound business practice guidelines.

## Budget Units Under Agency Control:

No.	Agency Name	Public Defender Main Segment	Alternate Defender	Associate Defender	Public Defender Executive Mgt	Total
058	Public Defender	49,283,663	4,594,777	661,243	325,905	54,865,588
15N	Delta Special Revenue	70,369	0	0	0	70,369
	Total	49,354,032	4,594,777	661,243	325,905	54,935,957

## 058 - Public Defender

### Summary of Final Budget by Revenue and Expense Category:

Revenues/Appropriations	FY 2004-2005		FY 2005-2006	FY 2005-2006	Change from FY 2005-2006						
	Actual	Exp/Rev	Budget	Actual Exp/Rev <sup>(1)</sup>	FY 2006-2007	Actual					
	Actual	Exp/Rev	As of 6/30/06	As of 6/30/06	Final Budget	Amount	Percent				
Intergovernmental Revenues	\$	2,926,877	\$	2,520,248	\$	2,522,922	\$	2,520,248	\$	(2,674)	-0.11%
Charges For Services		542,484		450,000		474,676		546,512		71,836	15.13
Miscellaneous Revenues		26,798		0		12,638		0		(12,638)	-100.00
Other Financing Sources		0		534,592		536,294		438,080		(98,214)	-18.31
Total Revenues		3,496,160		3,504,840		3,546,530		3,504,840		(41,690)	-1.18
Salaries & Benefits		41,522,511		44,414,944		42,305,278		46,915,791		4,610,513	10.90
Services & Supplies		5,720,121		7,002,992		5,810,928		7,855,491		2,044,563	35.18
Other Charges		48,146		50,000		0		70,000		70,000	0.00
Fixed Assets		51,465		119,000		8,648		90,000		81,352	940.70
Intrafund Transfers		(106,108)		(75,089)		(75,089)		(65,694)		9,395	-12.51
Total Requirements		47,236,134		51,511,847		48,049,765		54,865,588		6,815,823	14.18
Net County Cost	\$	43,739,975	\$	48,007,007	\$	44,503,236	\$	51,360,748	\$	6,857,512	15.41%

(1) Amounts include prior year expenditure and exclude current year encumbrance. Therefore, the totals listed above may not match Total FY 2005-06 Actual Expenditure + Encumbrance included in the "At a Glance" section.

### Final Budget Summary of Public Defender Main Segment:

Revenues/Appropriations	FY 2004-2005		FY 2005-2006	FY 2005-2006	Change from FY 2005-2006						
	Actual	Exp/Rev	Budget	Actual Exp/Rev <sup>(1)</sup>	FY 2006-2007	Actual					
			As of 6/30/06	As of 6/30/06	Final Budget	Amount	Percent				
Intergovernmental Revenues	\$	2,926,877	\$	2,520,248	\$	2,522,922	\$	2,520,248	\$	(2,674)	-0.11%
Charges For Services		542,484		450,000		474,676		546,512		71,836	15.13
Miscellaneous Revenues		26,798		0		12,638		0		(12,638)	-100.00
Other Financing Sources		0		534,592		536,294		438,080		(98,214)	-18.31
Total Revenues		3,496,160		3,504,840		3,546,530		3,504,840		(41,690)	-1.18
Salaries & Benefits		36,407,334		39,324,748		36,981,235		41,412,682		4,431,447	11.98
Services & Supplies		5,585,227		6,924,176		5,633,844		7,776,675		2,142,831	38.03
Other Charges		48,146		50,000		0		70,000		70,000	0.00
Fixed Assets		51,465		119,000		8,648		90,000		81,352	940.70
Intrafund Transfers		(106,108)		(75,089)		(75,089)		(65,694)		9,395	-12.51
Total Requirements		41,986,064		46,342,835		42,548,638		49,283,663		6,735,025	15.83
Net County Cost	\$	38,489,904	\$	42,837,995	\$	39,002,108	\$	45,778,823	\$	6,776,715	17.38%

### Final Budget Summary of Alternate Defender:

Revenues/Appropriations	FY 2004-2005		FY 2005-2006		FY 2005-2006		FY 2006-2007		Change from FY 2005-2006	
	Actual	Exp/Rev	Budget	As of 6/30/06	Actual Exp/Rev <sup>(1)</sup>	As of 6/30/06	Final Budget		Actual	
									Amount	Percent
Salaries & Benefits	\$	4,215,407	\$	4,199,535	\$	4,423,222	\$	4,538,869	\$ 115,647	2.61%
Services & Supplies		70,845		55,908		113,700		55,908	(57,792)	-50.83
<b>Total Requirements</b>		4,286,252		4,255,443		4,536,922		4,594,777	57,855	1.28
<b>Net County Cost</b>	\$	4,286,252	\$	4,255,443	\$	4,536,922	\$	4,594,777	\$ 57,855	1.28%

### Final Budget Summary of Associate Defender:

Revenues/Appropriations	FY 2004-2005		FY 2005-2006		FY 2005-2006		FY 2006-2007		Change from FY 2005-2006	
	Actual	Exp/Rev	Budget	As of 6/30/06	Actual Exp/Rev <sup>(1)</sup>	As of 6/30/06	Final Budget		Actual	
									Amount	Percent
Salaries & Benefits	\$	606,102	\$	595,892	\$	600,590	\$	649,039	\$ 48,449	8.07%
Services & Supplies		54,798		12,204		50,662		12,204	(38,458)	-75.91
<b>Total Requirements</b>		660,900		608,096		651,252		661,243	9,991	1.53
<b>Net County Cost</b>	\$	660,900	\$	608,096	\$	651,252	\$	661,243	\$ 9,991	1.53%

### Final Budget Summary of Public Defender Executive Mgt:

Revenues/Appropriations	FY 2004-2005		FY 2005-2006		FY 2005-2006		FY 2006-2007		Change from FY 2005-2006	
	Actual	Exp/Rev	Budget	As of 6/30/06	Actual Exp/Rev <sup>(1)</sup>	As of 6/30/06	Final Budget		Actual	
									Amount	Percent
Salaries & Benefits	\$	293,668	\$	294,769	\$	300,232	\$	315,201	\$ 14,969	4.99%
Services & Supplies		9,251		10,704		12,722		10,704	(2,018)	-15.86
<b>Total Requirements</b>		302,919		305,473		312,953		325,905	12,952	4.14
<b>Net County Cost</b>	\$	302,919	\$	305,473	\$	312,953	\$	325,905	\$ 12,952	4.14%